

MAR 25 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

OFELIA ARIAS ESPINOZA; TANIA
FERNANDA MENDEZ ARIAS,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-72766

Agency Nos. A079-541-871
A079-541-872

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted March 18, 2009**

Before: LEAVY, HAWKINS, and TASHIMA, Circuit Judges.

Ofelia Arias Espinoza and Tania Fernanda Mendez Arias, natives and
citizens of Mexico, petition pro se for review of the Board of Immigration
Appeals' ("BIA") order dismissing their appeal from an immigration judge's ("IJ")

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. See Fed. R. App. P. 34(a)(2).

decision denying their applications for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo claims of due process violations. *Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the agency’s discretionary determination that Petitioners failed to show exceptional and extremely unusual hardship to a qualifying relative. *See id.*

Petitioners’ contention that the agency violated due process by failing to adequately consider their evidence of hardship does not amount to a colorable constitutional claim. *See id.* (“[T]raditional abuse of discretion challenges recast as alleged due process violations do not constitute colorable constitutional claims that would invoke our jurisdiction.”).

Petitioners’ contention that the BIA violated due process by failing to address or analyze their case is unpersuasive.

PETITION FOR REVIEW DISMISSED in part; DENIED in part.